

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIJAH DEWAYNE HICKS,

Defendant.

CRIMINAL COMPLAINT

Case No. 21-MJ-330-SPS

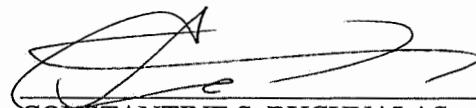
I, Constantine S. Bucuvalas, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about the 7th day of August, 2021, in the Eastern District of Oklahoma, defendant ELIJAH DEWAYNE HICKS violated Title 18, United States Code, Sections 1111(a), 1151 and 1153, an offense described as follows: **MURDER IN INDIAN COUNTRY**.

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Constantine S. Bucuvalas, which is attached hereto and made a part hereof by reference.)

Continued on the attached sheet.



CONSTANTINE S. BUCUVALAS
Complainant

Sworn to before me and subscribed in my presence at: MUSKOGEE, OKLAHOMA

Date: August 9, 2021

STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer


Signature of Judicial Officer



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Special Agent Constantine S. Bucuvalas, being duly sworn, depose and state that:

INTRODUCTION

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been since August of 2020. I have been employed as a Special Agent of the FBI for approximately one year. I am currently assigned to the Oklahoma City Division, Muskogee Resident Agency. Prior to my employment with the FBI, I served for eight years in the United States Air Force, predominately in Security Forces. In the course of my duties as Special Agent, I have investigated criminal violations related to Indian Country crimes, as explained in Title 18, United States Code, Section 1151 and as it pertains to the Major Crimes Act (MCA).

2. As a Federal Agent, I am authorized to investigate violations of the laws of the United States, and to execute warrants issued under the authority of the United States.

3. The statements contained in this Affidavit are based in part on information provided by other agencies; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation; and my experience, training, and background as a Special Agent with the FBI. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that ELIJAH DEWAYNE HICKS, committed the below-described offense, I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

PROBABLE CAUSE

4. As will be shown below, there is probable cause to believe that ELIJAH DEWAYNE HICKS committed a violation of 18 U.S.C. § 1111(a), 1151, and 1153, Murder in Indian Country, which occurred in Okfuskee County, Oklahoma, within the boundaries of the Muscogee Nation Reservation. In support of this request, I submit the following:

5. VENUE: the facts and circumstances alleged in this affidavit occurred within the Eastern District of Oklahoma. More specifically, based on the Supreme Court decision in *McGirt v. Oklahoma* (2020), the below described location is within the geographic boundaries of the Muscogee Nation Reservation, and therefore is within Indian Country.

6. DEFENDANT: the defendant is ELIJAH DEWAYNE HICKS, hereinafter referred to as HICKS. HICKS is a registered member of the Muscogee (Creek) Nation.

7. VICTIM: the victim is TIMOTHY RAY BUCKLEY, hereinafter referred to as BUCKLEY. BUCKLEY was a registered member of the Muscogee (Creek) Nation.

8. On August 7, 2021 at approximately 11:20 P.M., I received notification from the Okemah Police Department that there had been an shooting at 217 S. 9th St, Okemah Oklahoma, 74859. The investigation of the shooting revealed that at approximately 11:00 P.M., the victim's sister, E.B., and the victim's girlfriend, J.H., both witnessed HICKS and BUCKLEY encounter one another on 9th Street and talk briefly. The witnesses then observed HICKS produce a firearm and shoot BUCKLEY multiple times before fleeing. BUCKLEY collapsed in the street and was pronounced deceased following transport to Okemah Community Hospital.

9. Based on the subsequent investigation and based on my knowledge and experience with violent crimes in Indian country, I, as your Affiant have probable cause to believe that

ELIJAH DEWAYNE HICKS has committed the offense of Murder in Indian country, in violation of Title 18 United States Code, Sections 1111(a), 1151, and 1153.

Respectfully submitted,



Constantine Bucuvalas, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 9th day of August, 2021.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA